

PATENT  
Atty. Dkt. No. WEAT/0548

## REMARKS

This is intended as a full and complete response to the Office Action dated December 8, 2004, having a shortened statutory period for response set to expire on March 8, 2005. Please reconsider the claims pending in the application for reasons discussed below.

### *Specification*

The Examiner states that the title of the invention is not descriptive. In response, Applicants submit that the title as replaced herein is clearly indicative of the invention to which the claims are directed. Accordingly, Applicants request withdrawal of the objection to the specification.

The specification is objected to under 37 C.F.R. § 1.75(d) because the sensing device has not been described. In response, Applicants canceled claim 14 without prejudice thereby removing the sensing device from the claims and obviating the objection. Accordingly, Applicants request withdrawal of the objection to the specification.

### *Drawings*

The drawings stand objected to under 37 C.F.R. § 1.83(a). The Examiner states that the sensing device must be shown or the feature canceled from claim 14. In response, Applicants canceled claim 14 without prejudice. Accordingly, Applicants request withdrawal of the objection and acceptance of the drawings.

### *Claim Rejections - 35 U.S.C. § 102*

Claims 1, 4-8, 10-15 and 17-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Murata, et al. "Murata"* (U.S. Patent No. 6,779,931). In response, Applicants traverse the rejection. Specifically, Applicants respectfully submit that the

Page 7

330548\_1.DOC

PATENT  
Atty. Dkt. No. WEAT/0548

Examiner misconstrues the teachings of Murata. Additionally, Applicants canceled claims 5-7 without prejudice, thereby obviating the rejection of these claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Further, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In this case, Murata cannot anticipate the claims because Murata does not disclose each and every element as set forth in the claims for the reasons discussed below.

With respect to claims 1, optical fibers are actually shown in Murata in contradiction to the Examiner's proposed interpretation. Specifically, Murata discloses single mode optical fibers (reference characters 21a and 21b) having optical fiber coatings (22a and 22b). (See, col. 4, line 61 through col. 5 line 24) For this reason, the optical fiber cannot be inner tubing as proposed by the Examiner. Further, there is only one element (*i.e.*, the coating) surrounding the exposed optical fiber in Murata. Therefore, Murata fails to teach, show or suggest exposing a length of inner tubing extending from cable armor and exposing a length of one or more optical waveguides extending from the inner tubing, as recited in claim 1 and claim 4 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of these claims.

With respect to claims 8 and 15, an alignment sleeve and/or a connecting device disclosed in Murata are disposed around an outside of one or both of the optical fiber and the optical fiber coating and not within any portion of them. Therefore, Murata fails to teach, show or suggest feeding optical waveguides through protective tubing of a retention assembly, wherein a portion of the protective tubing extends from an end of the retention assembly surrounded by mating armor and positions within a portion of an optical cable, as recited in claim 8 and claim 10 dependent thereon. Similarly, Murata fails to teach, show or suggest a protective tube coupled to an end of a fill tube, the protective tube having an outer diameter sized to position inside a portion of an optical

PATENT  
Atty. Dkt. No. WEAT/0548

cable, as recited in claim 15 and claim 17 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of these claims.

With respect to claim 11, none of the methods disclosed in Murata utilize fusion splicing even though fusion splicing was a conventional method known at that time. Rather, Murata purposely avoids fusion splicing of the optical fibers by just butting ends of the optical fibers together within the alignment sleeve. Furthermore, setting seal material (52) provided at each end of a reinforcing tube (51) is not a compression fitting. Specifically, a compression fitting is a known fitting type that operates by tightening of the fitting in order to apply force to a surrounded structure due to pressing of a portion of the fitting against the structure to thereby provide a connection and/or seal therewith. For the foregoing reasons, Murata fails to teach, show or suggest fusing first and second optical waveguides to form a splice and preventing relative movement between an optical cable and a member at the splice by tightening a compression fitting, as recited in claim 11 and claims 12-14 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of these claims.

With respect to claim 18, Murata does not disclose a compression fitting as discussed above with regards to claim 11. Thus, Murata fails to teach, show or suggest a compression fitting securable to an outer surface of an optical cable, as recited in claim 18 and claims 19-22 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of these claims.

### ***Claim Rejections - 35 USC 103***

Claims 2, 3, 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Szentesi, et al. "Szentesi" (5,748,819).

In response, Applicants submit that these claims are patentable over Murata in view of Szentesi at least based on the traversal presented above regarding the independent claims from which claims 2, 3, 9 and 16 depend. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of these claims.

PATENT  
Atty. Dkt. No. WEAT/0548

***Conclusion***

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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Page 10

330548\_1.DOC